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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,625	12/08/2003	LeRoy Johnson	LGPL.	4244
5251	7590	11/15/2005	EXAMINER	
SHOOK, HARDY & BACON LLP INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BLVD KANSAS CITY,, MO 64108-2613			D ADAMO, STEPHEN D	
		ART UNIT	PAPER NUMBER	
			3636	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/730,625	JOHNSON ET AL.
	Examiner	Art Unit
	Stephen D'Adamo	3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanson (5,405,188).

Hanson teaches of a mechanical chair comprising a U-shaped member 20 having a central section and a pair of ends. Each end has a pivot point 40 there through, wherein the U-shaped member 20 is adapted to only pivot about the pivot points 40. Also, a guide plate or link 38 is coupled to the central section and has a mounting section at the lower end 56 to be mounted to a chair. The guide plate also has a pair of guide slots, one at the upper end 52 of guide plate through a hole for pivoting pin 54 and the other at the lower end 56 for pivoting pin 37. Also, the link 38 has a pair of walls, one on each side of the link. The guide slots extend through both sides of the plate and walls. Hanson discloses, "...through links 38 rotates the chair back 20 to a raised position" (col.4, lines 45-46).

Note, the links 38 guide the chair back to a raised position. Furthermore, the guide slots extend in a direction perpendicular to the U-shaped member. Specifically, the slots

extend perpendicular to the ends of the U-shaped member. Also, the guide plate or link 38 is fixed coupled to the U-shaped member through the pin 54 at the upper end 52.

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Ball et al.

(6,523,898)

Ball discloses a chair construction comprising a U-shaped member 111 having a central section and a pair of ends. Each end has a pivot point 85A extending there through, wherein the U-shaped member is adapted to pivot only about the pivot point. Ball further teaches of a guide plate 113 coupled to the central section. The guide plate has a mounting section that is adapted to be mounted to a chair and having a pair of guide slots for fitting a pair of rods 114. The pair of guide slots in the guide plate 113 extends in a direction perpendicular to the U-shaped member (Figures 41-44). Also, the guide plate 113 has a pair of walls, one on each side thereof. The guide slots extend through both sides of the plate and walls. Specifically, the pair of guide slots extends perpendicular to the central section of the U-shaped member, in an upward direction. The guide plate is also fixedly coupled to the U-shaped member 111. Also, Ball teaches of a back support bar 60 having a first and second end (Figures 1-8). The support bar is adapted to be coupled on the first end to a chair. The support bar is adapted to be coupled on the second end to the guide slot via the pivot 103 and guide plate 113.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engel (De 3,834,614) in view of Unwalla (5,810,440).

Engel discloses a “piece of functional seating furniture” comprising a U-shaped member 5 having a central section and a pair of ends. Each end has a pivot point 6 extending there through, wherein the U-shaped member is adapted to pivot only about the pivot point. However, Engel fails to expressly disclose a guide plate coupled to the U-shaped member. Yet, Unwalla teaches of an “integrated seat and back and mechanisms for chairs” including a member 46 adapted to pivot at a pair of ends and a similar spring extension member 57 as Engel (spring 11). Moreover, Unwalla teaches of guide plates 55 coupled to the back of the seat back and also to the member 46. The guide plates include a wall on each side and a pair of slots extend therethrough, which are perpendicular to the member 46. Further, the guide plate 55 is fixedly coupled to the member 46 by segments 53. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the functional seat furniture of Engel with guide plates 55 on the seat back and coupled to the U-shaped member, as taught by Unwalla, for providing “a very large range of movement allowing the user a continuous angular variation from forward inclination to full reclined inclination” (Abstract).

Response to Arguments

3. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Specifically, each guide plate includes a pair of walls, one on each side of the plate, wherein the guide slots extend through both sides of the guide plates. Moreover, the U-shaped member only pivots about the pivot point disclosed in each reference.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 571-272-6857. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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November 10, 2005


Peter M. Cuomo
Supervisory Patent Examiner
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